

**TOWN OF ROCKY HILL
OPEN SPACE AND CONSERVATION COMMISSION
MEETING OF SEPTEMBER 10, 2014**

1. CALL TO ORDER

Chairman Ed Charamut called the Wednesday, September 10, 2014 meeting to order at 6:03 p.m. in the Town Council Room of the Rocky Hill Town Hall, 761 Old Main Street, Rocky Hill, Connecticut, 06067.

Present: Ed Charamut, Chairman
 Craig Riedinger, Vice Chairman
 Sandra Kelly, Secretary
 David Schweitzer, Commissioner
 Scott Stevens, Commissioner
 Larry Lindenberger, Commissioner

Alternates: Christopher Duff (arrives at 6:06 p.m.)
 Michelle Zak
 Rachelle Leone

Also: Bob Alvarado, Engineering Dept.
 Eileen A. Knapp, Recording Secretary

2. PLEDGE OF ALLEGIANCE

Everyone stood and recited the Pledge of Allegiance.

A MOTION was made by Vice Chairman Riedinger to add to the Agenda under Section 8, Item E. Discussion of the Plan of Conservation and Development. Seconded by Commissioner Kelly. All were in favor, MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Vice Chairman Riedinger to add to the Agenda under Section 7, Approval of minutes and working notes of the August 26, 2014 meeting. Seconded by Commissioner Kelly. All were in favor, MOTION CARRIED UNANIMOUSLY.

3. SHOW CAUSE HEARING

A. ADC Enterprises – Violation at 45 Evans Road

Chairman Charamut recused himself for this hearing. Commissioner Leone is sitting in for him. Commissioner Zak is sitting in for Commission Brown who is absent.

Mr. Alfred Chiulli of 499 Pleasant Valley Road addressed the Commission and thanked them for participating in a site walk at 45 Evans Road. He submitted pictures of the site taken 2 days

ago from the Connecticut River, which show the amount of growth that has taken place. He feels the slope is stable even in the event of rain. The contractor he hired to establish the NAVD88 3.4 line has not been able to visit the site yet. He did receive a letter this afternoon from the CRCCD but has not had enough time to put together a thorough response to the comments made in that letter. One of the recommendations was that he put down a special seed mix. Since the planting season ends in about a week, he purchased the seed and is willing to put it down when he gets permission from the DEEP. He is afraid if they put the seed above the NAVD88 3.4 line it may wash down into the DEEP's jurisdiction.

Mr. Alvarado noted that the DEEP has jurisdiction over the NAVD88 3.4 line and below, and the Open Space Commission has jurisdiction 100' upland from that line. Mr. Chiulli said he doesn't agree with some of the suggestions in the letter and noted that no one from the CRCCD ever visited the site before making recommendations. He is asking that the hearing be continued until the October meeting at which time he will respond to comments made by CRCCD and present a plan to satisfy all Commissions. Mr. Chiulli said he isn't sure if there would be room to replant trees if that is requested. He doesn't want to remove any stumps that have begun growing again and there are very few areas that don't already have regrowth. Mr. Alvarado said the seeding needs to be done as soon as possible. The plantings can wait. They really need to know where the jurisdictional line is also. Mr. Chiulli said he tried calling other surveyors today but he does have a rough idea where the line is. He is hoping to get the seed down by the end of September once he hears from the DEEP. Commissioner Riedinger said regardless of what the DEEP says, this Commission would like the area in their jurisdiction seeded as soon as possible. Mr. Alvarado said they do need to establish the jurisdictional line, but the majority of the slope is within this Commission's authority.

Commissioner Kelly said she thinks Ms. Star should visit the site and the seeding should take place immediately. Mr. Chiulli said he has not heard from the Town Engineer about what they plan to do about the leaking pipe that is on his site, which belongs to the Town. Mr. Alvarado said the Town will be looking at the pipe, but it may not coincide with the timetables of the work being done for this issue.

Commissioner Comments/Questions

Commissioner Kelly asked if Kelly Star of the CRCCD usually visits the sites. Mr. Alvarado said she does usually walk the sites but was not able to schedule time to visit this site. He will try to arrange a site visit with her. Her letter asked that the area be reseeded and if re-vegetation of the bank is necessary the Town should request that a planting plan be developed by a Wetland Scientist.

Commissioner Lindenberger suggested laying down the seed, but using erosion control measures along the estimated are of the jurisdictional line. He asked about the process for planting the seed mix. Mr. Chiulli said you will have to walk the slope and lay seed where there aren't any trees or concrete and tamp it lightly. Commissioner Lindenberger asked about the possibility of hydro-seeding so the mix doesn't wash down the slope when it rains. Mr. Chiulli said they can't hydro-seed in this area because that process broadcasts over a large area and includes fertilizer with nitrogen, which they do not want washing into the river. Commissioner Lindenberger said the Connecticut River is an important resource and he isn't happy with what has been done to this site. He would like the area restored to the way it should be.

Commissioner Schweitzer said he would like to see a planting plan submitted when an application for the site comes before them. He would like to fix the area once and have it done correctly. He would also like to see a maintenance plan submitted for this area. The wood chips seem to be working well at the top of the slope.

Commissioner Duff said he would like to get information from a Soil Scientist on the soil classifications for the regulated areas as soon as possible. He suggested establishing a buffer area between the jurisdictional line and the area they have authority over so the seeding can be done immediately. He asked if the seed mix has fertilizer requirements. Mr. Chiulli said Hart Seed recommends that no fertilizers be used with this mix. He said he thinks that they should also do “chinking”, which is putting in smaller pieces of concrete or rip rap in the areas between the large concrete blocks to secure the steep areas. As far as getting the soil classification done, he plans to engage a soil scientist when they are preparing the application.

Commissioner Stevens said he agrees with many of the comments made in the CRCCD letter, especially the stabilization of the slope. He said he would like to see the following people engaged:

- A Wetlands Scientist to determine which seed is most appropriate for the area.
- A Soil Scientist to delineate the CT Inland Wetland Boundary Line
- A Surveyor to locate the flags and add them to an A2 survey map.
- An Engineer to inspect the slope to determine in any additional erosion control measures are needed.

In addition, Commissioner Stevens said he would like to see a Restoration Planting Plan to mitigate any potential impacts to the Connecticut River.

Commissioner Zak said she agrees with comments made by fellow Commissioners. The seeding should be done immediately and she would like to see a Planting Plan and Maintenance Plan submitted.

Vice Chairman Riedinger said the survey needs to be done quickly to determine the location of the jurisdictional line. The seed should be put down immediately wherever Town Staff requests it. He would like straw/hay put down to protect the seed. He agrees about the need for a Soil Scientist and Surveyor to be engaged to delineate the area. Vice Chairman Riedinger also requested that a Restoration Planting Plan be submitted for the bank. Mr. Chiulli said he has no problem putting down hay bales for protection.

A MOTION was made by Commissioner Kelly to recess the Show Cause Hearing for ADC Enterprises – Violation at 45 Evans Road. Seconded by Commissioner Zak. All were in favor, MOTION CARRIED UNANIMOUSLY. (Commissioner Leone voted for Chairman Charamut, who recused himself for this hearing.)

4. ACTION ON SHOW CASUE HEARINGS

A. ADC Enterprises – Violation at 45 Evans Road

A MOTION was made by Commissioner Schweitzer to modify the Cease and Desist Order

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ADC Enterprises – Violation at 45 Evans Road to allow for the following:

- **Seeding of the disturbed area**
- **Any work ordered by the DEEP**
- **Any stabilization work allowed by Town Staff**

Motion seconded by Commissioner Lindenberger. All were in favor, MOTION CARRIED UNANIMOUSLY.

5. PUBLIC

Chairman Charamut resumes his seat.

Ms. Krista Mariner of 58 Farms Village Road addressed the Commission and congratulated Commissioner Kelly for her role in preserving Hayes Farm. She said she is hoping to see the Commissioners at the next POCD meeting on September 23rd. As part of the Commission's preparation for these POCD meetings, she suggested finding out what other communities are doing regarding their Connecticut River setback area. Addressing item 6. A., Greg Lichatz-Sediment retention structure and boulder placement at 273 Meadow Road, Ms. Mariner suggested adding a condition for erosion monitoring for the adjacent property to the south of 273 Meadow Road. The property owner of 263 Meadow Road previously provided photographic evidence of this erosion problem. Mr. Alvarado said staff has been to the site when the issue of erosion came up during the hearings for the Foundry. He said he has not seen any evidence of erosion in that location. They may want to compare photographs from previous years to see what the progression is.

6. APPLICATION FOR A PERMIT

A. Greg Lichatz-Sediment retention structure and boulder placement at 273 Meadow Road;

The Applicant was not present.

A MOTION was made by Vice Chairman Riedinger to table the application for permit for Greg Lichatz-Sediment retention structure and boulder placement at 273 Meadow Road. Seconded by Commissioner Kelly. Commissioner Schweitzer asked that Mr. Lichatz be required to attend the next Open Space meeting. Commissioner Duff suggested considering "common sense monitoring" when they consider this application. **All were in favor, MOTION CARRIED UNANIMOUSLY.**

7. MINUTES/WORKING NOTES presented for approval for August 13, 2014 and August 26, 2014

A MOTION was made by Vice Chairman Riedinger to approve the minutes and working notes of August 13, 2014 with changes. Seconded by Commissioner Lindenberger. All were in favor, MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Commissioner Kelly to approve the minutes and working notes of August 26, 2014 as presented. Seconded by Vice Chairman Riedinger. All were in favor, MOTION CARRIED UNANIMOUSLY.

8. DISCUSSION

A. Status Report-Various Projects

Old Main Street Bridge: The bridge is still under construction and is due to be completed on schedule prior to Thanksgiving.

Foundry Project: An Ecological Report was done on the site but nothing of significance was found. The Applicant is dealing with the DEEP regarding the realignment of Glastonbury Avenue, which is a State road. The spraying of invasives on site has been done once already. Staff met with the applicant to discuss which trees need to be cut down and which should remain. The next step will be to demolish the silos and proceed with Phase I. Commissioner Duff asked if water samples are still being tested. Mr. Alvarado said that is still being done and nothing has been found. The Commission will be receiving a report on the monitoring of the Bald Eagle being done on the site. There will be a ground water remediation plan for the entire site submitted that needs to be approved by the DEEP and this Commission. Chairman Charamut said he would like an update of where this project is right now. Mr. Alvarado said he would arrange that.

Town Center West: The developers will be clearing the site for this retail and residential project starting next week. He will have the developers update the Commission on the timetable for that project also.

Brookwood Village: The bank note has been approved and the contractor has been selected. Mr. Alvarado said he will be setting up an on-site meeting with the Contractor and staff so they can go over what is required. The Applicant will be applying for a building permit shortly. Right now the area is stable but the problem should be taken care of as soon as possible.

B. Open Space

The Town voted to save the Hayes Farms from development and Commissioner Kelly encouraged residents to support the Hayes Farm produce stand.

C. Legislation

None.

D. Conferences

None.

E. Plan of Conservation and Development

Commissioner Duff submitted a draft memorandum for the Open Space and Wetlands Commission to endorse, which would be submitted to Planimetrics and the Planning and Zoning Commission suggesting changes to be considered when updating the POCD. The following items were included in the memorandum:

- Creation of a Storm Water Quality Reference Guide available to residents and developers
- Consideration of low impact developments
- Update the items required for the submission of an application to include which, if any, low impact development alternatives were considered during the development process. And if they chose not to use those, inclusion of an explanation for that reasoning.

A copy of this letter will be e-mailed to all Commissioners so they can add their suggestions/comments before sending it on to Planimetrics and the Planning and Zoning Commission.

Commissioner Duff urged the public to attend the information meeting on September 23rd. This will be a very interactive meeting for residents, aimed at getting the pulse of the community. Mr. Alvarado also noted that Planimetrics would be conducting interviews with select individuals in town. He pointed out that the Town of Newington adopted new Low Impact Regulations, which can be found on Newington's Town web-site. The DEEP is pushing Towns to adopt low impact development strategies in their Regulations.

9. CORRESPONDENCE, COMMUNICATIONS

None.

10. OTHER BUSINESS

None.

11. ADJOURN

A MOTION was made by Vice Chairman Riedinger to adjourn. Seconded by Commissioner Kelly. All were in favor, MOTION CARRIED UNANIMOUSLY.

Meeting adjourned at 7:35 p.m.

Respectfully submitted,

Eileen A. Knapp
Recording Secretary